

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIAN CERVANTES-QUINONES,

Defendant.

NJK

2:15-mj-00348-~~00348~~

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

(Docket No. 9)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties are trying to resolve this matter prior to indictment.
2. Counsel for the defendant will need additional time to discuss any resolution with the defendant.
3. Defendant is in custody.
4. Denial of this request for continuance of the preliminary hearing would prejudice both the defendant the Government and unnecessarily consume this Court's valuable resources, taking into account the exercise of due diligence.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice.
6. The additional time requested by this stipulation, is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and § 3161(h)(8)(A), considering the factors under 18 U.S.C. § 3161(h)(8)(B)(I) and (iv).

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1 **CONCLUSIONS OF LAW**


2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely
4 to result in a miscarriage of justice and would deny the Court additional time to consider the
5 proposed plea agreement, and for the defendant to plead to pursuant plea agreement.

6 The continuance sought herein is excludable under the Speedy Trial Act, Title 18 United
7 States Code, § 3161(h)(1)(G), when the considering the factors under Title 18, United States Code,
8 § 316(h)(7)(B)(i), (iv).

9 **ORDER**

10 IT IS HEREBY ORDERED that the preliminary hearing in the above-captioned matter
11 currently scheduled for May 28, 2015, at the hour of 4:00 p.m., be vacated and continued to
12 July 1 _____, 2015, at the hour of 4:00 p.m in Courtroom 3A.

13 DATED 22nd day of May, 2015.

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15 UNITED STATES MAGISTRATE JUDGE